THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.10789 of 2006

Dated: 26-06-2006

Between:

Smt. G. Mary Vimala Kumari and nine others.

..... PETITIONERS

AND

The District Collector, Visakhapatnam, and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.10789 of 2006

ORDER:

The petitioners filed the instant writ petition seeking a writ of Mandamus declaring the action of the respondents in proposing to acquire their patta lands in survey No.18/5 situated in Madhurawada Village, Visakhapatnam Rural Mandal, as illegal, arbitrary and contrary to Article 300A of the Constitution of India.

It is the case of the petitioners that they are absolute owners of small extents of land in survey No.18/5 of Madhurawada village and that they are in continuous possession of said land for more than two and a half decades, raised small sheds and living therein. It is also their case that on 24-05-2006, respondents came to their house sites, took measurements informing them that the land is being taken away and that they will be evicted. Therefore, they filed the present writ petition.

At the stage of admission itself, the Mandal Revenue Officer (Rural), Visakhapatnam, filed a detailed counter-affidavit. It is stated that the petitioners purchased the assigned land in survey No.18/5 in contravention of the provisions of Section 3 (2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity), that a show-cause notice was issued to them and that orders of resumption were passed in the months of April and May of 2005 in respect of the petitioners 3, 4, 5, 7, 8 and 10. It is also stated that the petitioners 1, 2, 6 and 9 do not possess any land and that they have no *locus standi* to file the present writ petition. Along with the counter-affidavit, the proceedings issued by the Mandal Revenue Officer resuming the land as well as the Panchanama dated 05-07-2005 under which the land was taken over by the government are placed before this Court. Now that the Mandal Revenue Officer passed orders under the provisions of the Act, it shall be open to the petitioners to approach appropriate Appellate Authority and seek redressal. As the petitioners approached this Court without disclosing about the orders passed by the Mandal Revenue Officer under Section 4 of the Act, this Court is not inclined to interfere at this stage.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

26th June, 2006

ghn